



General Assembly

January Session, 2007

**Committee Bill No. 6287**

LCO No. 4780

\*04780HB06287JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT PERMITTING ARBITRATION OF CHILD SUPPORT MATTERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-66 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) In any case under this chapter where the parties have submitted  
4 to the court an agreement concerning the custody, care, education,  
5 visitation, maintenance or support of any of their children or  
6 concerning alimony or the disposition of property, the court shall  
7 inquire into the financial resources and actual needs of the spouses and  
8 their respective fitness to have physical custody of or rights of  
9 visitation with any minor child, in order to determine whether the  
10 agreement of the spouses is fair and equitable under all the  
11 circumstances. If the court finds the agreement fair and equitable, [it]  
12 the agreement shall become part of the court file, and if the agreement  
13 is in writing, [it] the written agreement shall be incorporated by  
14 reference into the order or decree of the court. If the court finds the  
15 agreement is not fair and equitable, [it] the court shall make such  
16 orders as to finances and custody as the circumstances require. If the  
17 agreement is in writing and provides for the care, education,

18 maintenance or support of a child beyond the age of eighteen, [it] the  
19 written agreement may also be incorporated or otherwise made a part  
20 of any such order and shall be enforceable to the same extent as any  
21 other provision of such order or decree, notwithstanding the  
22 provisions of section 1-1d.

23 (b) Agreements providing for the care, education, maintenance or  
24 support of a child beyond the age of eighteen entered into on or after  
25 July 1, 2001, shall be modifiable to the same extent as any other  
26 provision of any order or decree in accordance with section 46b-86.

27 (c) The provisions of chapter 909 shall be applicable to any  
28 agreement to arbitrate in an action for dissolution of marriage under  
29 this chapter, provided (1) an arbitration pursuant to such agreement  
30 may proceed only after the court has made a thorough inquiry and is  
31 satisfied that (A) each party entered into such agreement voluntarily  
32 and without coercion, and (B) such agreement is fair and equitable  
33 under the circumstances, and (2) such agreement and an arbitration  
34 pursuant to such agreement [shall] does not include issues related to  
35 child [support,] visitation and custody. An arbitration award in such  
36 action related to child support shall meet the minimum requirements  
37 set forth in the child support guidelines established pursuant to section  
38 46b-215a, or be approved by the court pursuant to subsection (c) of  
39 section 46b-84, as amended by this act, if applicable. An arbitration  
40 award in such action shall be confirmed, modified or vacated in  
41 accordance with the provisions of chapter 909.

42 Sec. 2. Subsection (c) of section 46b-84 of the general statutes is  
43 repealed and the following is substituted in lieu thereof (*Effective*  
44 *October 1, 2007*):

45 (c) The court may make appropriate orders of support of any child  
46 with mental retardation, as defined in section 1-1g, or a mental  
47 disability or physical disability, as defined in subdivision (15) of  
48 section 46a-51, who resides with a parent and is principally dependent  
49 upon such parent for maintenance until such child attains the age of

20 twenty-one, or the court may approve an arbitration award with  
 21 respect to the support of such child. The child support guidelines  
 22 established pursuant to section 46b-215a shall not apply to orders  
 23 entered or awards approved under this subsection. The provisions of  
 24 this subsection shall apply only in cases where the decree of  
 25 dissolution of marriage, legal separation or annulment is entered on or  
 26 after October 1, 1997, or where the initial support orders in actions not  
 27 claiming any such decree are entered on or after October 1, 1997.

28 Sec. 3. Section 52-408 of the general statutes is repealed and the  
 29 following is substituted in lieu thereof (*Effective October 1, 2007*):

30 An agreement in any written contract, or in a separate writing  
 31 executed by the parties to any written contract, to settle by arbitration  
 32 any controversy thereafter arising out of such contract, or out of the  
 33 failure or refusal to perform the whole or any part [thereof] of such  
 34 contract, or a written provision in the articles of association or bylaws  
 35 of an association or corporation of which both parties are members to  
 36 arbitrate any controversy which may arise between them in the future,  
 37 or an agreement in writing between two or more persons to submit to  
 38 arbitration any controversy existing between them at the time of the  
 39 agreement to submit, or an agreement in writing between the parties to  
 40 a marriage to submit to arbitration any controversy between them with  
 41 respect to the dissolution of their marriage, except issues related to  
 42 child [support,] visitation and custody, shall be valid, irrevocable and  
 43 enforceable, except when there exists sufficient cause at law or in  
 44 equity for the avoidance of written contracts generally.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	46b-66
Sec. 2	<i>October 1, 2007</i>	46b-84(c)
Sec. 3	<i>October 1, 2007</i>	52-408

**Statement of Purpose:**

To permit the arbitration of child support issues in dissolution of marriage matters.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: REP. KLARIDES, 114th Dist.

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